



Attorney Docket 058951-0250 IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. Troy WEEKS et al.

Title: Refined Plant Transformation

Appl. No.: 10/572,744

Filing Date: 03/21/2006

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of the documents cited by and submitted in parent application U.S. Patent Application No. 10/667,145, filed September 22, 2003. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

However, also submitted herewith on Form PTO/SB/08 is a listing of other documents, as indicated later in this Information Disclosure Statement, that are known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of the application. Therefore no fee is believed to be due.

RELEVANCE OF EACH DOCUMENT

Documents A7, A26, A28, A36, A40, A46, and A51 were cited in a partial search report in a related European patent application. The remaining documents were previously cited in the parent U.S. patent application. All of the attached documents are in English. A copy of the European partial search report is also enclosed.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 8, 2006
FOLEY & LARDNER LLP
Customer Number: 22428
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INFORMATION DISCLOSURE

STATEMENT BY APPLICANT MAY 09 2006

Date Submitted: May 9, 2006

(use as many sheets as necessary)

Complete if Known

Application Number	10/572,744
Filing Date	03/21/2006
First Named Inventor	J. Troy WEEKS
Group Art Unit	Unknown
Examiner Name	Unknown

Sheet

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of

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Attorney Docket Number

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
A1	4,743,548			Crossway et al.	05/10/1988	
A2	4,945,050			Sanford et al.	07/31/1990	
A3	5,164,310			Smith et al.	11/17/1992	
A4	5,284,253			Watt et al.	02/08/1994	
A5	5,302,523			Coffee et al.	04/12/1994	
A6	5,464,765	A		Coffee et al.	11/07/1995	
A7	5,482,852	A		Yodar et al	01/09/1996	
A8	5,591,616			Hiei et al.	01/07/1997	
A9	5,693,512			Finer et al.	12/02/1997	
A10	5,767,373	A		Ward et al.	06/16/1998	
A11	5,959,187			Bailey et al.	09/28/1999	
A12	6,018,102			Garbarino et al.	01/25/2000	
A13	6,051,757			Barton et al.	04/18/2000	
A14	6,054,574			Quail et al.	04/25/2000	
A15	6,084,156			Garbabino et al.	07/04/2000	
A16	6,132,970			Stemmer	10/17/2000	
A17	6,143,949			Ozawa et al.	11/07/2000	
A18	6,268,547			Weeks	07/31/2001	
A19	6,329,567	B1		Jofuku et al.	12/11/2001	
A20	6,420,547			Maiti et al.	07/06/2002	
A21	6,448,391			Garbarino et al.	09/10/2002	
A22	20020046415	A1		Albert et al.	04/18/2002	
A23	20030135891	A1		Gould et al.	07/17/2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
A24	EP	0 672 752		A1		09/20/1995		
A25	EP	1 198 985		A1		04-24-2002		
A26	WO	98/56932		A	Shell Internationale Research Maatschappij BV.	12/17/1998		
A27	WO	99/38979		A1	Dow Agrosciences, LLC	08/05/1999		
A28	WO	01/44482		A	Cropdesign N.V	06/21/2001		
A29	WO	01/94394				12/13/2001		
A30	WO	02/102979		A2		12-27-2002		

Examiner Signature

Date Considered

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⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO 1449B INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: May 9, 2006 (use as many sheets as necessary)				Complete if Known	
Sheet	2	of	3	Application Number	10/572,744
				Filing Date	03/21/2006
				First Named Inventor	J. Troy WEEKS
				Group Art Unit	Unknown
				Examiner Name	Unknown
				Attorney Docket Number	058951-0250

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A31	Bailey and Gribskov, "Combining evidence using p-values: application to sequence homology searches," <i>Bioinformatics</i> , vol. 14, pp. 48-54 (1998).	
	A32	Bechtold et al., "In planta Agrobacterium mediated gene transfer by infiltration of adult <i>Arabidopsis thaliana</i> plants," <i>Acad Sci Paris Life Sci.</i> , vol. 316, pp. 1194-1199 (1993).	
	A33	Clough & Bent, "Floral dip: a simplified method for Agrobacterium-mediated transformation of <i>Arabidopsis thaliana</i> ," <i>The Plant Journal</i> , vol. 16, pp. 735-743 (1998).	
	A34	Coca et al., "Differential regulation of small heat-shock genes in plants: analysis of a water-stress-inducible and developmentally activated sunflower promoter," <i>Plant Molecular Biology</i> , vol. 31, pp. 863-76 (1996).	
	A35	De Buck et al., "Agrobacterium tumefaciens Transformation and Cotransformation Frequencies of <i>Arabidopsis thaliana</i> Root Explants and Tobacco Protoplasts," <i>Mol. Plant Microbe Interact.</i> , vol. 11, pp. 449-57 (1998).	
	A36	De Buck et al., "T-DNA vector backbone sequences are frequently integrated into the genome of transgenic plants obtained by Agrobacterium-mediated transformation," <i>Mol. Breeding</i> , vol. 6, no. 5, Oct. 2000, pp. 459-468.	
	A37	De Neve et al., "T-DNA integration patterns in co-transformed plant cells suggest that T-DNA repeats originate from co-integration of separate T-DNAs," <i>The Plant Journal</i> , vol. 11, pp. 15-29 (1997).	
	A38	During, "A plant transformation vector with a minimal T-DNA," <i>Transgenic Research</i> , vol. 3, pp. 138-140 (1994).	
	A39	Jefferson et al., "GUS fusions: β -glucuronidase as a sensitive and versatile gene fusion marker in higher plants," <i>The EMBO Journal</i> , vol. 6, pp. 3901-3907 (1987).	
	A40	Hanson et al., "Simple Method to Enrich an Agrobacterium-Transformed Population for Plants Containing Only T-DNA Sequences", <i>Plant Journal</i> , vol. 19, no. 6, Blackwell Scientific Publications, Oxford, GB, 1999, pp. 727-734.	
	A41	Kononov et al., "Integration of T-DNA binary vector 'backbone' sequences into the tobacco genome: evidence for multiple complex patterns of integration," <i>The Plant Journal</i> , vol. 11, no. 5, pp. 945-957 (1997).	
	A42	Lee et al., "The <i>Arabidopsis</i> HOS1 gene negatively regulates cold signal transduction and encodes a RING finger protein that displays cold-regulated nucleo-cytoplasmic partitioning," <i>Gene and Development</i> , vol. 15, pp. 912-924 (2001).	
	A43	MAIER-GREINER et al., "Isolation and properties of a nitrile hydratase from the soil fungus <i>Myrothecium verrucaria</i> that is highly specific for the fertilizer cyanamide and cloning of its gene," <i>Proc. Natl. Acad. Sci. USA</i> , May 1991, Vol. 88, pp. 4260-4264.	
	A44	Murashige & Skoog, "A Revised Medium for Rapid Growth and Bio Assays with Tobacco Tissue Cultures," <i>Physiol. Plant</i> , vol. 15, pp. 473-479 (1962)	
	A45	Mysore et al., "Role of the Agrobacterium tumefaciens VirD2 Protein in T-DNA Transfer and Integration," <i>Mol. Plant Microbe Interact.</i> , vol. 11, no. 7, pp. 668-683 (1998)	
	A46	Rohini et al, "Embryo transformation, a practical approach for realizing transgenic plants of safflower , <i>Annals of Botany (London)</i> , vol. 86, no. 5, Nov. 2000, pp. 1043-1049.	

Examiner Signature	Date Considered
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Sheet	3	of	3	Attorney Docket Number 058951-0250

NON PATENT LITERATURE DOCUMENTS

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	A47	Shurvinton <i>et al.</i> , "A nuclear localization signal and the C-terminal omega sequence in the Agrobacterium tumefaciens VirD2 endonuclease are important for tumor formation," <i>Proc. Natl. Acad. Sci. U.S.A.</i> , vol. 89, pp. 11837-11841 (1992).	
	A48	The FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS' Agricultural Services Bulletin No. 108, entitled, "PLANT TISSUE CULTURE: AN ALTERNATIVE FOR PRODUCTION OF USEFUL METABOLITE" by Masanaru Misawa of Bio International Inc., Toronto, Canada http://www.fao.org/docrep/t0831e/t0831e00.htm#con	
	A49	van Haaren <i>et al.</i> , "Mutational analysis of the conserved domains of a T-region border repeat of Agrobacterium tumefaciens," <i>Plant Molecular Biology</i> , vol. 13, pp. 523-531 (1989).	
	A50	Waters <i>et al.</i> , "Sequence identity in the nick regions of IncP plasmid transfer origins and T-DNA borders of Agrobacterium Ti plasmids," <i>Proc Natl Acad Sci.</i> , vol. 88, pp. 1456-60 (1991).	
	A51	Weeks <i>et al.</i> , "Wheat transformation using cyanamide as a new selective agent", <i>Crop Science</i> , vol. 40, no. 6, Nov. 2000, pp. 1749-1754.	
	A52	Weigel <i>et al.</i> , "Activation Tagging in Arabidopsis," <i>Plant Physiology</i> , vol. 122, pp. 1003-1013 (2000).	

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